



General Assembly

January Session, 2019

## Amendment

LCO No. 9793



Offered by:

SEN. HARTLEY, 15<sup>th</sup> Dist.  
SEN. COHEN, 12<sup>th</sup> Dist.  
SEN. MARTIN, 31<sup>st</sup> Dist.  
REP. SIMMONS, 144<sup>th</sup> Dist.  
REP. CUMMINGS, 74<sup>th</sup> Dist.  
REP. WOOD, 29<sup>th</sup> Dist.  
SEN. MOORE, 22<sup>nd</sup> Dist.  
SEN. BERTHEL, 32<sup>nd</sup> Dist.  
SEN. LOGAN, 17<sup>th</sup> Dist.  
SEN. KISSEL, 7<sup>th</sup> Dist.  
SEN. SAMPSON, 16<sup>th</sup> Dist.

SEN. HWANG, 28<sup>th</sup> Dist.  
SEN. MINER, 30<sup>th</sup> Dist.  
REP. YACCARINO, 87<sup>th</sup> Dist.  
REP. NAPOLI, 73<sup>rd</sup> Dist.  
REP. BUTLER, 72<sup>nd</sup> Dist.  
REP. BOYD, 50<sup>th</sup> Dist.  
REP. BARRY, 31<sup>st</sup> Dist.  
REP. DEMICCO, 21<sup>st</sup> Dist.  
REP. D'AMELIO, 71<sup>st</sup> Dist.  
REP. GRESKO, 121<sup>st</sup> Dist.  
REP. ALLIE-BRENNAN, 2<sup>nd</sup> Dist.

To: Subst. Senate Bill No. 1030

File No. 237

Cal. No. 108

### **"AN ACT CONCERNING THE AUDIT PERIOD FOR THE TRANSFER OF HAZARDOUS WASTE ESTABLISHMENTS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subdivision (3) of section 22a-134 of the general statutes  
4 is repealed and the following is substituted in lieu thereof (*Effective*  
5 *October 1, 2019*):

6 (3) "Establishment" means any real property at which or any  
7 business operation from which (A) on or after November 19, 1980,  
8 there was generated [, except as the result of (i) remediation of

9 polluted soil, groundwater or sediment, or (ii) the removal or  
10 abatement of building materials,] more than one hundred kilograms of  
11 hazardous waste in any one month, (B) hazardous waste generated at a  
12 different location was recycled, reclaimed, reused, stored, handled,  
13 treated, transported or disposed of, (C) the process of dry cleaning was  
14 conducted on or after May 1, 1967, (D) furniture stripping was  
15 conducted on or after May 1, 1967, or (E) a vehicle body repair facility  
16 was located on or after May 1, 1967. [;] "Establishment" does not  
17 include any real property or any business operation from which more  
18 than one hundred kilograms of hazardous waste was generated in any  
19 one month solely as a result of either:

20 (i) The one-time generation of hazardous waste in any one month,  
21 as a result of either the first time such waste was generated or such a  
22 one-time generation since the last time a Form I, Form II, Form III or  
23 Form IV was required to be submitted; or

24 (ii) One or more of the following:

25 (I) Remediation of polluted soil, groundwater or sediment;

26 (II) The removal or abatement of building materials or removal of  
27 materials used for maintaining or operating a building;

28 (III) The removal of unused chemicals or materials as a result of the  
29 emptying or clearing out of a building, provided such removal is  
30 supported by facts reasonably established at the time of such removal;  
31 or

32 (IV) The complete cessation of a business operation, provided the  
33 waste is removed not later than ninety days after such cessation and  
34 such cessation is supported by facts reasonably established at the time  
35 of such cessation;

36 Sec. 2. Subdivision (3) of subsection (g) of section 22a-134a of the  
37 general statutes is repealed and the following is substituted in lieu  
38 thereof (*Effective October 1, 2019*):

39 (3) (A) The commissioner may conduct an audit of any verification  
40 or interim verification submitted pursuant to this section, but shall not  
41 conduct an audit of a final verification of an entire establishment  
42 submitted pursuant to subdivision (1) of this subsection after three  
43 years have passed since the date of the commissioner's receipt of such  
44 final verification unless an exception listed in subparagraph [(C)] (D)  
45 of this subdivision applies. Upon completion of an audit, the  
46 commissioner shall send written audit findings to the certifying party  
47 and the licensed environmental professional who verified. The three-  
48 year time frame for an audit of a final verification of an entire  
49 establishment shall apply to such final verifications received by the  
50 commissioner after October 1, 2007 and before October 1, 2019.

51 (B) The commissioner may conduct an audit of any verification or  
52 interim verification submitted pursuant to this section, but shall not  
53 commence an audit of a final verification of an entire establishment  
54 submitted pursuant to subdivision (1) of this subsection if more than  
55 one year has passed since the date of the commissioner's receipt of  
56 such final verification unless an exception listed in subparagraph (D)  
57 of this subdivision applies. If the commissioner commences an audit of  
58 such final verification, the commissioner shall complete such audit not  
59 later than three years after the commissioner's receipt of such final  
60 verification subject to such audit, unless an exception listed in  
61 subparagraph (D) of this subdivision applies. Upon completion of an  
62 audit, the commissioner shall send written audit findings to the  
63 certifying party and the licensed environmental professional who  
64 verified. The one-year time frame for commencing an audit of a final  
65 verification of an entire establishment and the three-year time frame  
66 for completion of such an audit shall apply to any final verification  
67 received by the commissioner on or after October 1, 2019.

68 [(B)] (C) The commissioner may request additional information  
69 during an audit. If such information has not been provided to the  
70 commissioner within ninety days of the commissioner's request for  
71 such information or any longer time as the commissioner may  
72 determine in writing, the commissioner may either (i) suspend the

73 audit, which for a final verification shall suspend the running of the  
74 three-year audit time frame for completing the audit until such time as  
75 the commissioner receives all the information requested, or (ii)  
76 complete the audit based upon the information provided in the  
77 verification before the request for additional information.

78 [(C)] (D) The commissioner [shall not conduct] may commence an  
79 audit of a final verification of an entire establishment pursuant to this  
80 subdivision after [three years from receipt of such verification  
81 pursuant to this subdivision unless] the applicable time frame  
82 established in subparagraph (A) or (B) of this subdivision, and need  
83 not complete any such audit within three years, if (i) the commissioner  
84 has reason to believe that a verification was obtained through the  
85 submittal of materially inaccurate or erroneous information, or  
86 otherwise misleading information material to the verification or that  
87 misrepresentations were made in connection with the submittal of the  
88 verification, (ii) a verification is submitted pursuant to an order of the  
89 commissioner pursuant to subsection (j) of this section, (iii) any post-  
90 verification monitoring, or operations and maintenance, is required as  
91 part of a verification and which has not been done, (iv) a verification  
92 that relies upon an environmental land use restriction was not  
93 recorded on the land records of the municipality in which such land is  
94 located in accordance with section 22a-133o and applicable  
95 regulations, (v) the commissioner determines that there has been a  
96 violation of sections 22a-134 to 22a-134e, inclusive, as amended by this  
97 act, or (vi) the commissioner determines that information exists  
98 indicating that the remediation may have failed to prevent a  
99 substantial threat to public health or the environment.

100 Sec. 3. (*Effective from passage*) (a) The chairpersons of the joint  
101 standing committees of the General Assembly having cognizance of  
102 matters relating to commerce and the environment shall convene a  
103 working group to examine and develop recommendations regarding  
104 potential legislative changes to sections 22a-134 to 22a-134e, inclusive,  
105 of the general statutes, as amended by this act.

106 (b) The working group shall be comprised of (1) the chairpersons of  
 107 said joint standing committees, or the chairpersons' designees, (2) the  
 108 Commissioner of Energy and Environmental Protection, or the  
 109 commissioner's designee, (3) the Commissioner of Economic and  
 110 Community Development, or the commissioner's designee, (4)  
 111 environmental transaction attorneys, (5) commercial real estate  
 112 brokers, and (6) licensed environmental professionals. The working  
 113 group may also include members of said joint standing committees.  
 114 The chairpersons of such joint standing committees shall select the  
 115 environmental transaction attorneys, commercial real estate brokers,  
 116 licensed environmental professionals and members of such joint  
 117 standing committees to participate in the working group as provided  
 118 for in this subsection.

119 (c) The chairpersons of the joint standing committees of the General  
 120 Assembly having cognizance of matters relating to commerce and the  
 121 environment shall select the chairperson of the working group. The  
 122 chairperson of the working group shall schedule the first meeting of  
 123 the working group, which shall be held not later than sixty days after  
 124 the effective date of this section. The working group shall meet at least  
 125 monthly thereafter, until it submits its report pursuant to subsection  
 126 (d) of this section.

127 (d) On or before February 1, 2020, the working group shall report, in  
 128 accordance with the provisions of section 11-4a of the general statutes,  
 129 to the joint standing committees of the General Assembly having  
 130 cognizance of matters relating to commerce and environment  
 131 regarding its findings and recommendations. The working group shall  
 132 terminate on the date that it submits such report or on February 1,  
 133 2020, whichever is later."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	22a-134(3)
Sec. 2	October 1, 2019	22a-134a(g)(3)
Sec. 3	from passage	New section